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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
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| 10/785,534 | 02/23/2004 | Tetsuya Hayashi | 04101/LH | 1553 |

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| EXAMINER | |
|---|---|
| NEGRON, WANDA M | |
| **ART UNIT** | **PAPER NUMBER** |
| 2622 | |

| MAIL DATE | DELIVERY MODE |
|---|---|
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**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

| Office Action Summary | Application No. | Applicant(s) | |
|---|---|---|---|
| | 10/785,534 | HAYASHI ET AL. | |
| | Examiner | Art Unit | |
| | Wanda M. Negrón | 2622 | |

*-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --*

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

1)☒ Responsive to communication(s) filed on *06 August 2007*.

2a)☒ This action is **FINAL**. 2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

4)☒ Claim(s) *1-10* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-10* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

**Application Papers**

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☒ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

## DETAILED ACTION

### *Claim Rejections - 35 USC § 102*

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

**Claims 1-2 and 6-10 rejected under 35 U.S.C. 102(b) as being anticipated by Suemoto et al. (US Application Publication No. 2001/0009443 A1).**

Regarding **claim 1**, Suemoto et al. disclose a camera device (see figure 7A-7B) comprising an optical system (14, 26, 29, 61, and 74), a driving unit which drives the optical system (24), and a control unit (22) which, (i) when the camera device is started up in a state in which a recording mode for photographing is set, controls the driving unit to start an initialization of the optical system to drive the optical system to a predetermined state (see paragraphs [0066] – [0068]), before an interrupt processing of an operating system, i.e. before a photographing processing can be carried out as an interrupt (see paragraph [0076]), and (ii) when the camera device is started up in a state in which a playback mode, i.e. a play mode (see paragraph [0066]) for display is set, controls the driving unit to suspend the initialization of the optical system (see paragraph [0067]).

Regarding **claim 2**, Suemoto et al. disclose a memory (42) which inherently stores a control program for the camera device, wherein the control unit reads a program for startup which is required for the initialization of the optical system from the memory, i.e. reading and interpreting information that would be inherently required to at least control motors 70, 72, and 74, which are associated with the optical system, and reads a control program other than the program for startup from the memory, i.e. reading and interpreting information that would be inherently required to control the signal processing means, after causing the driving unit to start the initialization of the optical system by an execution of the program for startup.

Regarding **claim 6**, Suemoto et al. disclose that the optical system comprises a sinkable lens, i.e. a collapsible lens (see figures 3-5).

Method **claims 7 and 8** are drawn to the method of using the corresponding apparatus claimed in claims 1 and 6. Therefore method claims 7 and 8 correspond to apparatus claims 1 and 6 and are rejected for the same reasons of obviousness as used above.

**Claims 9 and 10** are drawn to a computer program stored in a computer readable medium corresponding to the method claimed in claims 7 and 8. Therefore claims 9 and 10 correspond to method claims 7 and 8 and are rejected for the same reasons of obviousness as used above.

***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

**Claims 3-5 are rejected under 35 U.S.C. 103(a) as being unpatentable over Suemoto et al. (US Application Publication No. 2001/0009443 A1).**

Regarding **claim 3**, as mentioned in the discussion of claims 1 and 2 above, Suemoto et al. disclose all the limitations of the parent claim. Official notice is taken that it is old and well known to store programs in a memory either continuously or non-continuously. Therefore, it would have been obvious to one having ordinary skilled in the art at the time the invention was made to store other control programs continuously after the program for startup in order to access said control programs faster decreasing processing time.

Regarding **claim 4**, as mentioned in the discussion of claims 1 and 2 above, Suemoto et al. disclose all the limitations of the parent claim. Suemoto et al. do not explicitly teach that the control unit reads the control program, except for the program for startup, from the memory without waiting for an end of the driving of the optical system to the predetermined state. However, Suemoto et al. disclose that the problem

sought to be solved by his invention is to decrease the amount of time required to initialize the camera for recording (see paragraph [0081]). Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to have the control unit read the control program from the memory without waiting for an end of the driving of the optical system to the predetermined state in order to decrease the initialization time.

Regarding **claim 5**, official notice is taken that it is old and well known to store programs in a memory either continuously or non-continuously. Therefore, it would have been obvious to one having ordinary skilled in the art at the time the invention was made to store other control programs continuously after the program for startup in order to access said control programs faster decreasing processing time.

### *Response to Arguments*

Applicant's arguments with respect to claims 1-10 have been considered but are moot in view of the new ground(s) of rejection.

***Conclusion***

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Wanda M. Negrón whose telephone number is (571) 270-1129. The examiner can normally be reached on Mon-Fri 6:30 am - 4:00 pm alternate Fri off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David Ometz can be reached on (571) 272-7593. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Wanda M. Negrón/

Examiner, Art Unit 2622
October 11, 2007

DAVID OMETZ
SUPERVISORY PATENT EXAMINER